



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

Promoting the wise use of land
Helping build great communities

MEETING DATE October 21, 2016 LOCAL EFFECTIVE DATE November 4, 2016 APPROX. FINAL EFFECTIVE DATE November 27, 2016	CONTACT/PHONE Kate Shea, Project Planner (805) 781-4097 kbshea@co.slo.ca.us	APPLICANT San Luis Obispo County Department Of Public Works/ Jeena Piccuta	FILE NO. DRC2015-00129
SUBJECT A request by SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS / JEENA PICCUTA for a Minor Use Permit/ Coastal Development Permit (DRC2015-00129) to allow for installation and operation of a groundwater remediation system at the former Los Osos Landfill. The project will include the installation of ten groundwater extraction wells, construction of a 380 square-foot water treatment facility building, and an above-ground air and water line system to collect and treat groundwater. Also requested is a modification to the 100-foot riparian setback. The project will result in the disturbance of approximately 2,000 square feet, all within areas previously disturbed by landfill activities, on an 87 acre parcel. The proposed project is within the Agriculture land use category and is located on the south side of Turri Road, approximately 1.7 miles southeast of South Bay Boulevard, approximately 2 miles east of the community of Los Osos. The site is in the Estero planning area.			
RECOMMENDED ACTION <ol style="list-style-type: none">1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.2. Approve Minor Use Permit / Coastal Development Permit DRC2015-00129 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on September 8, 2016 for this project. Mitigation measures are proposed to address air quality, biological resources, hazards/hazardous materials, and water/hydrology and are included as conditions of approval. Anyone interested in commenting or receiving a copy of the proposed Environmental Determination should submit a written statement. Comments will be accepted up until completion of the public hearing(s).			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Flood Hazard, Sensitive Resource Area	ASSESSOR PARCEL NUMBER 067-011-047	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Former Los Osos Landfill Site, Los Osos Groundwater Basin <i>Does the project meet applicable Planning Area Standards:</i> Yes - see discussion			
LAND USE ORDINANCE STANDARDS: Sensitive Resource Area – Terrestrial Habitat, Riparian Vegetation, and Wetlands; Local Coastal Program <i>Does the project conform to the Land Use Ordinance Standards:</i> Yes - see discussion			

FINAL ACTION

This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing.

The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:
 COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242

EXISTING USES:

Former Los Landfill Site under remediation and monitoring

SURROUNDING LAND USE CATEGORIES AND USES:

North: Agriculture; vacant

East: Agriculture; vacant

South: Agriculture; agricultural uses

West: Agriculture; vacant and single-family residence(s)

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:

The project was referred to: Los Osos Community Advisory Council, Public Works, Building Division, Cal Fire/County Fire, Environmental Health, Air Pollution Control Board, Regional Water Quality Control Board, Agricultural Commissioner, and the California Coastal Commission.

TOPOGRAPHY:

Moderately sloping

VEGETATION:

Grasses, chaparral

PROPOSED SERVICES:

Water supply: N/A

Sewage Disposal: N/A

Fire Protection: Cal Fire/County Fire

ACCEPTANCE DATE:

June 28, 2016

PROJECT DESCRIPTION

The applicant is proposing to install and operate a groundwater remediation system at the former Los Osos Landfill. The project will include the installation of ten groundwater extraction wells, construction of a 380 square-foot water treatment facility building, and an above-ground air and water line system to collect and treat groundwater. Also requested is a modification to the 100-foot riparian setback. The project will result in the disturbance of approximately 2,000 square feet, all within areas previously disturbed by landfill activities, on an 87 acre parcel. The proposed project is within the Agriculture land use category and is located on the south side of Turri Road, approximately 1.7 miles southeast of South Bay Boulevard, approximately 2 miles east of the community of Los Osos. The site is in the Estero planning area.

LAND USE PERMIT REQUIRED

A Minor Use Permit/Coastal Development Permit is required because the proposed project is located within the former Los Osos Landfill Site as described in the Rural Area Standards of the Estero Area Plan, and is considered appealable development (within 100 feet of riparian vegetation and within Terrestrial Habitat) in the Coastal Zone Land Use Ordinance of the Local Coastal Plan.

PROJECT HISTORY

The Los Osos landfill is a closed solid waste disposal site that operated from December 1958 through November 1988, accepting approximately 838,000 tons of refuse. Post closure remediation efforts have been conducted under regulatory compliance requirements since the 1980's in coordination with the Regional Water Quality Control Board (RWQCB) focused on removing volatile organic compounds (VOCs) from the groundwater directly beneath and adjacent to the former landfill. In 1995, the Regional Water Quality Control Board (RWQCB) issued Corrective Action Order 95-66 to clean-up groundwater impacted by Volatile Organic Compounds (VOCs) from the landfill.

In response, the County first constructed an earthen cap enhancement project to minimize infiltration of rainwater. Clay soils were imported, and the entire area of refuse was covered in a thick clay "cap" to minimize infiltration. The County then installed a landfill gas control system to remove VOC-containing landfill gas. The control system's purpose was to reduce the total mass of VOCs in the landfill and reduce the pressure in the landfill that was driving VOCs toward groundwater. The landfill gas control system began operation in September 1998 and continues to remove VOCs. Landfill gas generated by the decomposing refuse in the landfill is collected in underground pipes, and is burned off by a flare onsite. These two measures have been effective at addressing VOCs, however, in 2015 the RWQCB informed County staff that these existing remediation measures were not resulting in satisfactory reduced contaminant levels in groundwater at the "point of compliance" at the site. In order to address RWQCB concerns the County developed the proposed project, and it is considered necessary to fully meet the standards of the RWQCB issued Corrective Action Order 95-66.

Environmental monitoring at the landfill includes, but is not limited to, groundwater monitoring, surface/storm water quality monitoring, surface emissions monitoring, and air quality monitoring of the flare station. Monitoring data is submitted to applicable agencies, including the Air Pollution Control District and the RWQCB at regular intervals. Because the project is intended to remove VOCs from already impacted groundwater, it is not expected to impact the volume or quality of the landfill gas collected and burned in the flare onsite.

PROJECT COMPONENTS

The project will include the following components:

1. Install ten (10) extraction wells along the compliance boundary (approximately one every 100 feet). The final locations of the wells will be based on accessibility, known aquifer and impact conditions, conditions encountered during drilling and access. The wells are located near existing monitoring wells (20-50 feet), when possible, to allow the monitoring wells to be used as performance monitoring points. Once completed, the wells would be outfitted with bladder pumps. These pumps use compressed air to force water to the surface where it will be piped to the treatment facility.
2. Install an airline to provide compressed air to each bladder pump and a waterline to deliver water from the wells to the treatment facility, above-ground and in parallel.
3. Construct an approximately 380 square foot treatment facility with a granular activated charcoal (GAC) treatment system to remove VOCs from the water. The treatment facility will include ancillary electronics and a pressure equalization tank to control water in and outflow. The GAC filter, which consists of up to 1 ton of material, would need to be replaced approximately every 1-2 months.
4. Install discharge piping from the treatment system to the existing storm water basin located near the flare station.
5. Install fencing, emergency lighting, and make necessary utility connections to the adjacent flare station.

Once the components described above are constructed, the treated water would first be tested and discharged into water trucks/baker tanks and stored. Once the water has passed water quality tests, and the RWQCB has authorized the “Discharge of Treated Groundwater”, water would be discharged into the onsite detention basin. The exact quantity of water that will be produced is unknown; however, the treatment system is proposed to treat approximately 20 gallons per minute. Discharged water would percolate and/or evaporate in most cases. During periods of heavy rainfall, if the storm water basin is full, water would discharge through existing overflow pipes from the basin and into the adjacent Warden Creek. During extreme rainfall events, pumping could be halted to help ensure the integrity of the basin.

The project will be located on the southern portion of the property where contaminated groundwater can be pumped, treated, and discharged onsite efficiently as shown in Figure 1 below.

Figure 1 – Project Location



PLANNING AREA STANDARDS

Estero Area Wide Standards

J. Los Osos Groundwater Basin

New development using water from the Los Osos Groundwater Basin shall be required to offset water use within the Los Osos Groundwater Basin and shall not result in a net increase in water use.

Staff comment: The project complies with this standard since it will not result in an increase in water use. Groundwater would be pumped, treated to remove VOCs in order to improve the

quality of the water, and then discharged back into an existing storm water basin and allowed to percolate back into the ground. Treated water will be stored on-site, then discharged once the RWQCB has issued a permit for the discharge, most likely the Highly Treated Groundwater NPDES Permit Order No. R3-2011-0222. This permit would only be issued once the treated water has been tested and shown to meet regulatory requirements.

Rural Area Standards

D. Former Los Osos Landfill Site and Vicinity

All proposed structures shall require Minor Use Permit approval, unless Development Plan approval is otherwise required, and shall comply with the requirements of Section 21190, Title 27, California Code of Regulations.

Staff comment: The project is conditioned to meet this requirement.

COASTAL ZONE LAND USE ORDINANCE (CZLUO) STANDARDS

Section 23.01.043c.(3)(i): Appeals to the Coastal Commission (Coastal Appealable Zone)

The project is appealable to the Coastal Commission because the proposed project is located within 100 feet of a mapped coastal stream and within Terrestrial Habitat (an Environmental Sensitive Habitat Area).

Section 23.07.120: Local Coastal Program

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

Section 23.07.170: Environmentally Sensitive Habitats:

All development and land divisions within or adjacent to an Environmentally Sensitive Habitat area (ESHA) shall be designed and located in a manner which avoids any significant disruption or degradation of habitat values. This standard requires that any project which has the potential to cause significant adverse impacts to an ESHA be redesigned or relocated so as to avoid the impact, or reduce the impact to a less than significant level where complete avoidance is not possible.

1. New development within or adjacent to the habitat shall not significantly disrupt the resource.
2. New development within the habitat shall be limited to those uses that are dependent upon the resource.
3. Where feasible, damaged habitats shall be restored as a condition of development approval.
4. Development shall be consistent with the biological continuance of the habitat.
5. Grading adjacent to Environmentally Sensitive Habitats shall conform to the provisions of Section 23.05.034.c (Grading Standards).
6. The use of invasive plant species is prohibited.

Staff comments: The project site is located within and/or adjacent to mapped Environmentally Sensitive Habitat Area (ESHA), specifically mapped as Terrestrial and Riparian Vegetation habitats. However, these ESHA designations correspond to the historic occurrence of native riparian vegetation and Baywood fine sand soils that may have been present prior to the

commencement of landfill activities in 1958. The proposed project is located entirely within areas historically disturbed by landfill activities, which included the addition of an impermeable "clay cap" in the 1990's. The area includes nonnative annual grassland and relatively immature coyote brush scrub which is actively managed by the County as part of their landfill maintenance obligations. The project would result in a maximum of 2,000 square feet of disturbance (wells, treatment facility, and supply lines). No trees or riparian vegetation would be removed by the project. Earthwork required for the project is entirely within areas that have been previously disturbed by historic landfill operations. Vegetation to be disturbed includes nonnative annual grassland and coyote brush scrub at the 10 well locations. No wetland, riparian, or other sensitive vegetation community will be disturbed by the project. The project has been designed to utilize existing access roads and disturbed areas to the maximum extent feasible.

To minimize disturbance, the new treatment facility has been conditioned to be located directly in front of (north) the existing flare station, on an existing paved drive/parking area to avoid disturbing vegetation. The existing flare station would buffer the proposed treatment facility from the riparian corridor. This location is approximately 45 feet from the upland edge of riparian vegetation, and allows the new treatment facility to tie-in to existing electrical and compressor facilities at the flare station, reducing the need to extend utilities across the site. It is also located in close proximity to an existing storm water basin, which minimizes disturbance which would otherwise occur if the treatment facility were located farther from the flare station.

The extraction wells will be located approximately 25 to 40 feet from the upland edge of riparian vegetation. These locations are required as they are at the limits of refuse and between the refuse and the adjacent Warden Creek. This maximizes the potential for the wells to catch effluent that may be leaving the landfill and flowing towards the Warden Creek. The project is proposed to treat potentially contaminated groundwater, and therefore will result in a beneficial impact to groundwater and ultimately to riparian resources as well.

As conditioned, the project complies with this standard as development will not disrupt resources, includes avoidance of wetlands, riparian vegetation and the coastal stream (Warden Creek) located on the parcel. The project will improve groundwater quality in the area.

23.07.172 (d) Wetland setbacks: New development shall be located a minimum of 100 feet from the upland extent of all wetlands, except as provided by subsection d(2). If the biological report required by Section 23.07.170 (Application Content) determines that such setback will provide an in sufficient buffer from the wetland area, and the applicable approval body cannot make the finding required by Section 23.07.170b, then a greater setback may be required.

Staff comments: A portion of the project, Extraction Well #1, is proposed to be located in close proximity to the 100-foot setback from "Wetland" shown on the Sensitive Resource Area Map prepared for the project. However, based on a field survey and review of aerial photos, it is evident that no components of the project are located near the 100-foot setback from the upland extent of the wetland shown on the Sensitive Resource Area Map, nor any other wetlands. As designed, the proposed project complies with this standard.

23.07.174 (d2) Riparian setbacks: New development shall be setback from the upland edge of riparian vegetation the maximum amount feasible. In the urban areas (inside the URL) this

setback shall be a minimum of 50 feet. In the rural areas (outside the URL) this setback shall be a minimum of 100 feet. A larger setback will be preferable in both the urban and rural areas depending on parcel configuration, slope, vegetation types, habitat quality, water quality, and any other environmental consideration. These setback requirements do not apply to non-structural agricultural developments that incorporate adopted best management practices in accordance with LCP Policy 26 for Environmentally Sensitive Habitats.

(1) Permitted uses within the setback: Permitted uses are limited to those specified in CZLUO Section 23.07.172d(1) (for wetland setbacks), provided that the findings required by that section can be made. Additional permitted uses that are not required to satisfy those findings include pedestrian and equestrian trails, and non-structural agricultural uses. Section 23.07.172d(1) permits the following uses within the setback: passive recreation, educational, existing non-structural agricultural development in accordance with best management practices, utility lines, pipelines, drainage and flood control of facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that: (1) alternative routes are infeasible or more environmentally damaging, and (2) adverse environmental effects are mitigated to the maximum extent feasible.

All permitted development in or adjacent to streams, wetlands, and other aquatic habitats shall be designed and/or conditioned to prevent loss or disruption of the habitat, protect water quality, and maintain or enhance (when feasible) biological productivity. Design measures to be provided include, but are not limited to:

- (i) Flood control and other necessary instream work should be implemented in a manner than minimizes disturbance of natural drainage courses and vegetation.
- (ii) Drainage control methods should be incorporated into projects in a manner that prevents erosion, sedimentation, and the discharge of harmful substances into aquatic habitats during and after construction.

Staff comments: The proposed project is an incidental utility project for the existing landfill with the purpose of protecting water quality. The project has been designed and conditioned to prevent any disruption of habitat and will maintain biological productivity.

(2) Riparian habitat setback adjustment: The minimum riparian setback may be adjusted through Minor Use Permit approval, but in no case shall structures be allowed closer than 10 feet from a stream bank, and provided the following findings can first be made:

- (i) Alternative locations and routes are infeasible or more environmentally damaging; and
- (ii) Adverse environmental effects are mitigated to the maximum extent feasible; and
- (iii) The adjustment is necessary to allow a principal permitted use of the property and redesign of the proposed development would not allow the use with the standard setbacks; and
- (iv) The adjustment is the minimum that would allow for the establishment of a principal permitted use.

Staff comments: An Alternatives Analysis was completed on July 26, 2016, which concluded that the project's design and location is the most feasible alternative. Other alternative locations were determined to be technically infeasible and/or would result in similar or greater impacts to ESHA. The well locations were chosen because they are both at the edge of the known limit of refuse, located downgradient from the landfill, and located between the landfill and Warden

Creek. The distribution of the wells, along with their elevation is proposed to be most effective given the local topography and hydrologic conditions. Further, the wells would be located between an existing access road and the 2:1 (or steeper) landfill slopes adjacent to other existing monitoring wells. The access road separates the wells from the edge of riparian vegetation to the south. No other well locations could feasibly attain the project water quality objectives.

The location of the treatment facility was originally guided by 4 factors, including:

- 1. Locating it at approximately the same elevation or lower than the wells to minimize pumping requirements;*
- 2. Tying the facility into the existing flare station to take advantage of existing utility services and a compressor;*
- 3. Reducing ground disturbance by utilizing existing access roads and paved staging areas; and*
- 4. Locating it outside of the limits of refuse to avoid disturbing the landfill cap.*

The existing flare station is enclosed in an approximately 8-foot-tall concrete block wall. Using the existing paved area in front of the flare station for the treatment facility would meet the four criteria above and would avoid the loss of any riparian or upland vegetation. The treatment facility would be located approximately 45 feet from the upland edge of riparian vegetation and would use the existing flare station as a hard buffer between the flare station. In other words, there is no line of sight between the riparian vegetation and the treatment facility. Further, the project will produce minimal noise and would only require lighting at night for rare emergency work. No impacts to the riparian vegetation would occur from operations or maintenance of the facility. There are few alternate locations that would accommodate a 100-foot buffer from riparian vegetation, while avoiding the landfill finished slopes as well as the detention basins, and not require intensive pumping. However, these alternate locations would require more grading than the proposed project due to the necessary access requirements. Additionally, these alternate locations would require utility extensions and would result in a greater loss of vegetation onsite. In addition, using an alternate site would result in the need to construct a larger facility as it would not be feasible to tie into the flare station compressor.

While the County has considered multiple locations for the facility, a combination of engineering and environmental constraints have resulted in the proposed treatment facility location. Alternative locations would result in more environmental disturbance (e.g., ground disturbance and vegetation removal). From a practical matter, the project elements must be located close to the riparian habitat onsite to monitor water quality from the landfill, prior to water entering Warden Creek.

23.07.176 - Terrestrial Habitat Protection: The provisions of this section are intended to preserve and protect rare and endangered species of terrestrial plants and animals by preserving their habitats. Emphasis for protection is on the entire ecological community rather than only the identified plant or animal.

a. Protection of vegetation. Vegetation that is rare or endangered, or that serves as habitat for rare or endangered species shall be protected. Development shall be sited to minimize disruption of habitat.

b. Terrestrial habitat development standards:

- (1) Revegetation. Native plants shall be used where vegetation is removed.
- (2) Area of disturbance. The area to be disturbed by development shall be shown on a site plan. The area in which grading is to occur shall be defined on site by readily-identifiable barriers that will protect the surrounding native habitat areas.
- (3) Trails. Any pedestrian or equestrian trails through the habitat shall be shown on the site plan and marked on the site. The biologist's evaluation required by Section 23.07.170a shall also include a review of impacts on the habitat that may be associated with trails.

Staff comments: Some of the extraction wells are located within areas mapped as "Terrestrial Habitat". This area corresponds with a soil type that was historically "Baywood fine sands"; however, the project site is within a former landfill, and the project is located almost entirely within areas historically disturbed by landfill activities, which included the addition of an impermeable "clay cap". The area includes nonnative annual grassland and relatively immature coyote brush scrub which is actively managed by the County as part of their landfill maintenance obligations. The project has been conditioned to require revegetation with native species and defining work areas in the field prior to construction to minimize disturbance. There are no existing or proposed trails in the project area.

COASTAL PLAN POLICIES

Shoreline Access:	N/A
Recreation and Visitor Serving:	N/A
Energy and Industrial Development:	N/A
Commercial Fishing, Recreational Boating and Port Facilities:	N/A
Environmentally Sensitive Habitats:	<input checked="" type="checkbox"/> Policy No(s): 1, 2, 20, 21, 28 and 35
Agriculture:	N/A
Public Works:	N/A
Coastal Watersheds:	<input checked="" type="checkbox"/> Policy No(s): 1, 2, 3, 7, 8, 9 and 10
Visual and Scenic Resources:	N/A
Hazards:	N/A
Archeology:	<input checked="" type="checkbox"/> Policy No(s): 1, 4 and 6
Air Quality:	<input checked="" type="checkbox"/> Policy No(s): 1

COASTAL PLAN POLICY DISCUSSION:

Environmentally Sensitive Habitats

Policy No. 1: New development within or adjacent to locations of environmentally sensitive habitats (within 100 feet unless sites further removed would significantly disrupt the habitat) shall not significantly disrupt the resource. Within an existing resource, only those uses dependent on such resources shall be allowed within the area.

Policy No. 2: As a condition of permit approval, the applicant is required to demonstrate that there will be no significant impact on sensitive habitats and that proposed development or activities will be consistent with the biological continuance of the habitat. This shall include an evaluation of the site prepared by a qualified professional which provides: a) the maximum

feasible mitigation measures (where appropriate), and b) a program for monitoring and evaluating the effectiveness of mitigation measures where appropriate.

Policy No. 20: Coastal streams and adjoining riparian vegetation are environmentally sensitive habitat areas and the natural hydrological system and ecological function of coastal streams shall be protected and preserved.

Policy No. 21: Development adjacent to or within the watershed (that portion within the coastal zone) shall be sited and designed to prevent impacts which would significantly degrade the coastal habitat and shall be compatible with the continuance of such habitat areas. This shall include evaluation of erosion and runoff concerns.

Policy No. 28: In rural areas (outside the USL) a buffer setback zone of 100 feet shall be established between any new development (including new agricultural development) and the upland edge of riparian habitats. In urban areas this minimum standard shall be 50 feet except where a lesser buffer is specifically permitted. The buffer zone shall be maintained in natural condition along the periphery of all streams. Permitted uses within the buffer strip shall be limited to passive recreational, educational or existing nonstructural agricultural developments in accordance with adopted best management practices. Other uses that may be found appropriate are limited to utility lines, pipelines, drainage and flood control facilities, bridges and road approaches to bridges to cross a stream and roads when it can be demonstrated that: 1) alternative routes are infeasible or more environmentally damaging and 2) adverse environmental effects are mitigated to the maximum extent feasible. Lesser setbacks on existing parcels may be permitted if application of the minimum setback standard would render the parcel physically unusable for the principal permitted use. In allowing a reduction in the minimum setbacks, they shall be reduced only to the point at which a principal permitted use (as modified as much as is practical from a design standpoint) can be accommodated.

Policy No. 35: Vegetation which is rare or endangered or serves as cover for endangered wildlife shall be protected against any significant disruption of habitat value. All development shall be designed to disturb the minimum amount possible of wildlife or plant habitat.

An Alternatives Analysis was completed on July 26, 2016, which concluded that the project's design and location is the most feasible alternative. Other alternative locations were determined to be technically infeasible and/or would result in similar or greater impacts to ESHA. The report concluded that alternative locations would result in more environmental disturbance (e.g., ground disturbance and vegetation removal). From a practical matter, the project elements must be located close to the riparian habitat onsite to monitor water quality from the landfill, prior to water entering Warden Creek. The proposed project will not significantly disrupt ESHA because measures to avoid unnecessary disturbance have been adopted through project design.

To minimize disturbance, the new treatment facility has been conditioned to be located directly in front of (north) the existing flare station, on an existing paved drive/parking area to avoid disturbing vegetation. The existing flare station would buffer the proposed treatment facility from the riparian corridor. This location is approximately 45 feet from the upland edge of riparian vegetation, and allows the new treatment facility to tie-in to existing electrical and compressor facilities at the flare station, reducing the need to extend utilities across the site. It is also located in close proximity to an existing storm water basin, which minimizes disturbance which would otherwise occur if the treatment facility were located farther from the flare station.

The extraction wells will be located approximately 25 to 40 feet from the upland edge of riparian vegetation. These locations are required as they are at the limits of refuse and between the refuse and the adjacent Warden Creek. This maximizes the potential for the wells to catch effluent that may be leaving the landfill and flowing towards the Warden Creek. The project is proposed to treat potentially contaminated groundwater, and therefore will result in a beneficial impact to groundwater and ultimately to riparian resources as well.

Public Works

Policy 7: The County shall require a permit for all public works projects located within the coastal zone except:

- a. For maintenance or repair activities that do not result in an enlargement or expansion of the facility.
- b. Where the development is a state university, college, and public trust lands or tidelands (which require a permit from the State Coastal Commission that must meet the requirements of Chapter 3 of the Coastal Act. The County Local Coastal Program will serve in an advisory function).
- c. For those minor projects that can be categorically exempted as provided for in the Coastal Act on account of geographic area or function per Section 30610(e) where the categorical exclusions has been approved by the County and Coastal Commission.
- d. The installation, testing and placement in service or the replacement of any necessary utility connection between an existing service facility and any development approved pursuant to this division; provided that the county may, where necessary, require reason-able conditions to mitigate any adverse impacts on coastal resources including scenic resources.

The proposed project is consistent with this policy; the applicant is processing a Minor Use Permit/ Coastal Development Permit.

Coastal Watersheds

Policy 1: The long-term integrity of groundwater basins within the coastal zone shall be protected. The safe yield of the groundwater basin, including return and retained water, shall not be exceeded except as part of a conjunctive use or resource management program which assures that the biological productivity of aquatic habitats are not significantly adversely impacted.

Staff comment: The proposed project complies with this policy as the proposed project is needed in order to remove VOCs from the groundwater, comply with RWQCB Corrective Action Order 95-66 which requires cleanup of contaminated groundwater downgradient of the closed landfill, and will improve water quality.

Policy 2: Extractions, impoundments and other water resource developments shall obtain all necessary county and/or state permits. All pertinent information on these uses (including water conservation opportunities and impacts on in-stream beneficial uses) will be incorporated into the data base for the Resource Management System and shall be supplemented by all available private and public water resources studies available. Groundwater levels and surface flows shall be maintained to ensure that the quality of coastal waters, wetlands and streams is sufficient to provide for optimum populations of marine organisms, and for the protection of human health.

Staff comment: The proposed project complies with this policy as the proposed project is conditioned to obtain all necessary permits from the RWQCB for well monitoring, and the Department of Environmental Health for drilling of the wells.

Policy 3: In basins where extractions are approaching groundwater limitations, the county shall require applicants to install monitoring devices and participate in water monitoring management programs.

Staff comment: The proposed project complies with this policy as the proposed project will accompany the existing groundwater monitoring wells currently located within the project area. The purpose of the project is to treat and clean the groundwater downgradient of the landfill before it enters the groundwater basin.

Policy 7: Siting of New Development. Grading for the purpose of creating a site for a structure or other development shall be limited to slopes of less than 20 percent.

Staff comment: The proposed project complies with this policy as the proposed project is situated on slopes of less than 20 percent.

Policy 8: Timing of Construction and Grading. Land clearing and grading shall be avoided during the rainy season if there is a potential for serious erosion and sedimentation problems. All slope and erosion control measures should be in place before the start of the rainy season. Soil exposure should be kept to the smallest area and the shortest feasible period.

Staff comment: The proposed project is consistent with this policy because it is conditioned to require an erosion and sedimentation control plan when grading is conducted or left in an unfinished state during the period from October 15 through April 15.

Policy 9: Techniques for Minimizing Sedimentation. Appropriate control measures (such as sediment basins, terracing, hydro-mulching, etc.) shall be used to minimize erosion and sedimentation.

Staff comment: The proposed project is consistent with this policy because the applicant is conditioned to apply Best Management Practices in the selection and implementation of site maintenance.

Policy 10: Drainage Provisions. Site design shall ensure that drainage does not increase erosion. This may be achieved either through on-site drainage retention, or conveyance to storm drains or suitable watercourses.

The proposed project is conditioned to comply with this policy by meeting all drainage plan and erosion control measures required by the San Luis Obispo County Public Works department.

Archaeology

Policy No. 1: The County shall provide for the protection of both known and potential archaeological resources. All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored at the time of a development proposal to avoid development on important archaeological sites. Where these measures are not feasible and

development will adversely affect identified archaeological or paleontological resources, adequate mitigation shall be required.

Policy No. 4: Development shall require a preliminary site survey by a qualified archaeologist knowledgeable in Chumash culture prior to a determination of the potential environmental impacts of the project.

Policy No. 6: Where substantial archaeological resources are discovered during construction of new development, or through non-permit related activities (such as repair and maintenance of public works projects) all activities shall cease until a qualified archaeologist knowledgeable in the Chumash culture can determine the significance of the resource and submit alternative mitigation measures.

The applicant submitted a Cultural Resources Survey (July 26, 2015). A preliminary site survey identified no cultural resources and the report did not recommend further archaeological work. The project is conditioned to cease construction in the event that archaeological resources are found.

Air Quality

Policy 1: The County will provide adequate administration and enforcement of air quality programs and regulations to be consistent with the County's Air Pollution Control District (APCD) and the State Air Resources Control Board.

The County's APCD provided comments on July 28, 2016. The project is located in a candidate area for potentially naturally occurring asbestos, serpentine or ultramafic rock. The State Air Resources Board considers asbestos a toxic air contaminant. If asbestos is present within the soil underlying the project site, future grading and site disturbance activities must comply with California Air Resources Board's (CARB) Asbestos Air Toxic Control Measures, administered by the County of San Luis Obispo APCD. The project is conditioned to contact APCD to determine the applicability of federal asbestos regulations.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned.

LOS OSOS COMMUNITY ADVISORY COUNCIL COMMENTS:

This project was reviewed by the Los Osos Community Advisory Council on June 23, 2016. LOCAC voted to recommend approval of the Minor Use Permit/Coastal Development Permit, and had no concerns with the project.

AGENCY REVIEW:

Public Works – No concerns (Tomlinson, June 7, 2016).

Cal Fire – No response.

Environmental Health – The project is required to obtain proper permits from the Environmental Health Department of for the drilling of the extraction wells and the treatment facility as applicable (July 1, 2016).

Agricultural Commissioner – No concerns (August 12, 2016).

Regional Water Quality Control Board – Per the attached response (Lodge, August 17, 2016) the RWQCB supports the proposed project as designed, and “encourages the County to proceed with project implementation as soon as possible.”

California Coastal Commission – No response.

LEGAL LOT STATUS:

The one existing parcel was legally created by the recordation of a map for Lot Line Adjustment COAL 85-0178, Parcel #1 (Book 41 of Parcel Maps, Page 53) at a time when that was a legal method of creating parcels.

Staff report prepared by Kate Shea and reviewed by Kerry Brown.